



PATENT
Attorney Docket No. 061136-0011-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian S. APPEL et al.

Application No.: 10/717,076

Filed: November 18, 2003

For: PROCESS FOR CONVERSION OF ORGANIC,
WASTE, OR LOW-VALUE MATERIALS INTO
USEFUL PRODUCTS

Confirmation No.: 6999

Examiner: NGUYEN, Tam M.

Art Unit: 1764

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Mail Stop AF
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated June 28, 2006 of the Primary Examiner finally rejecting claims of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time for responding to the Advisory Action for 3 month(s):
 was filed on
 is submitted herewith.
2. A timely response to the Final Rejection was filed October 18, 2006.
3. A fee in the amount of \$500.00 is:
 Required.
 Not required (Fee paid in prior appeal).
4. Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:
 Required.
 Not required (Fee paid in prior appeal).
5. Please charge the required fee and any additional fees, if any, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 061136-0011-US). A copy of this sheet is enclosed.

REMARKS

Applicants wish to thank the Examiner for a courteous telephonic discussion of the outstanding issue on December 14, 2006. While Applicants respectfully believe that the present provisional nonstatutory ODP rejection should be withdrawn and the application permitted to issue as a patent without a terminal disclaimer under the guidance of MPEP 804 I.B.1., in the interest of expediting the present application towards issuance, Applicants have duly filed terminal disclaimers in the two co-pending U.S. applications no. 10/957,540 (filed September 30, 2004) and no. 10/954,691 (filed September 29, 2004) per Examiner's suggestion. For reference purposes, copies of the respective terminal disclaimers are provided herein.

In view of the foregoing remarks, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned at 415-442-1490 in order to expedite allowance of this case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 061136-0011US).

Respectfully submitted,

Date: December 20, 2006 By:


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